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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,520	09/02/2003	Jonathon L. Kimmel	00138CIPCON(3600-360-01)	3339

7590 01/26/2007  
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EXAMINER
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MAI, NGOCLAN THI

ART UNIT	PAPER NUMBER
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1742

MAIL DATE	DELIVERY MODE
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01/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Supplemental to  
Notice of Allowability**

Application No.

10/653,520

Examiner

Ngoclan T. Mai

Applicant(s)

KIMMEL ET AL.

Art Unit

1742

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to missing of claim 164.
2. ☒ The allowed claim(s) is/are 28-39,41,47-55,57,58,60,61,63,64,66,67,69,70,72,73,75,76,78,79,81,82,84,85,87,88,90,91,95-97,113-125,136-154,157-167 (Note that claims 165-168 have been renumbered as 164-167, per 37 C.F.R. 1.126).

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some\* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

ROY KING

SUPERVISORY PATENT EXAMINER  
PATENT OFFICE CENTER 1700

U.S. Patent Application No. 10/653,520  
Amendment dated July 5, 2006  
Reply to Office Action dated May 18, 2006

wherein said oxygen-reduced niobium oxide has the formula  $Nb_xO_y$  wherein x is 1 and y is 0.7 to 1.1.

163. (Previously presented) The oxygen-reduced niobium oxide particles of claim 122, wherein said oxygen-reduced niobium oxide has the formula  $Nb_xO_y$  wherein x is 1 and y is 0.7 to less than 2.

*Renumbered 37 CFR 1.126* 164. ~~165.~~ (Previously presented) The oxygen-reduced niobium oxide particles of claim 122, wherein said oxygen-reduced niobium oxide has the formula  $Nb_xO_y$  wherein x is 1 and y is 0.7 to 1.1.

165. ~~166.~~ (Previously presented) The oxygen-reduced niobium oxide particles of claim 124, wherein said oxygen-reduced niobium oxide has the formula  $Nb_xO_y$  wherein x is 1 and y is 0.7 to less than 2.

166. ~~167.~~ (Previously presented) The agglomerated oxygen-reduced valve metal oxide of claim 97, wherein said agglomerated particles are formed from oxygen-reduced niobium oxide particles having an average primary particle size of from 1 micron to 10.5 microns.

167. ~~168.~~ (Previously presented) The oxygen-reduced niobium oxide particles of claim 113, wherein said oxygen-reduced niobium oxide particles have a primary particle size of from 1 micron to 10.5 microns and are agglomerated and have agglomerate sizes of less than 425 microns.